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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

EXAMINER	
HUSSAIN, TAUQIR	
ART UNIT	**PAPER NUMBER**
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/677,418	LEI ET AL.	
	Examiner	Art Unit	
	TAUQIR HUSSAIN	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to amendment /reconsideration filed on 08/18/2008, the amendment/reconsideration has been considered. Claims 1, 10 and 32 have been amended. Claims 1-55 are pending for examination, the rejection cited as stated below.

Response to Arguments

2. Applicant's arguments filed on 08/18/2008 have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

(a) As to argument regarding claims 1-9, applicant's argument has been moot in view of new grounds of rejection necessitated by amendment.

(b) As to argument regarding claims 10-42, Applicant argues prior art does not teach "a server…. Adapted to receive from a first user device…a message including identification of certain content for sending at least a portion of said stored content …." Or "receiving, at said server, from a first user device of a plurality of user devices an abbreviated message including identification of certain content of said stored content for sending at least a portion of said stored content….".

(c) As to argument regarding claims 43-50, prior art does not teach, "a distribution apparatus receives a unique identification of certain content and that the apparatus sends this uniquely identified content".

(d) As to argument regarding claims 51-55, Prior art does not teach, “MMS user agent does not identify multi media content having a unique identification”.

As to point (b), Please see the section (b) of last office action which is incorporated herein. Examiner further, invite the applicant to read [0070, Fig.11], where core concept of sending and receiving multimedia messages are discussed and further modification will be obvious and well known to one of an ordinary skilled in the art.

As to point (c), Examiner respectfully disagrees and from specification Fig.2A, [0023] applicant has disclosed the MRG-130 as distribution apparatus, distributing messages from user devices to network e.g. network-13 to which Examiner equates with cited reference "Fenton" Fig.1, where element-126 is equivalent to a distribution apparatus and MMS user agent- 102, 104, 106 etc, equates to user devices and network-116, 118, 120 etc are equivalent to applicant's displayed network-13. Fenton's Fig.1 element-123 is message storage and 134-database along with MMS server-130 discloses the multimedia messaging system. It is further well established in the art that each message requires a unique ID to be transmitted within the same network before even mentioning cross platform networks as mentioned in Fenton, [0026]-[0028], where complete functionality of MMSE is disclosed including sending notification to users regarding there voice mail stored at MMSE. Fenton even discloses implicitly that his MMSE is capable of negotiating MMS user agent 102-112 terminal (user device) capabilities which is also one of the important claimed features in instant application.

As to point (d), Examiner contends that along with the discussion in last office action Fenton further discloses, assigning a unique identification to a multi media

message is disclosed in [0070], where user agent provides the message-ID of the original multimedia message and MIME type multimedia content will always be identified in the MM1_submit.REQ. 1102.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35 U.S.C 102 and 103(a) not included in this action can be found in a prior Office Action.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman et al. (Pub. No.: US 2002/0103935 A1), hereinafter "Fishman" in view of Kageyama et al. (Pub. No. US 2003/0097463 A1), hereinafter "Kageyama".

5. As to claim 1, Fishman discloses, storing, in a media delivery system, content to be delivered from a first user device to a second user device, wherein said storing allows said media delivery system to accept information pertaining to said stored content (Fishman, Fig.2, Abstract, content server is equivalent to media delivery system and Gateway receives the content to deliver it to devices A, B or C, Content store stores the user and device specific information);

accepting information from said first user device with respect to said stored content to be delivered to said second user device (Fishman, Fig.2, gateway-250, content server-210, Abstract, where gateway receives the content from content server and delivers it to second user e.g. device A, B or C);

performing media negotiation with a system associated with said second user device to inform said media delivery system of attributes of said second user device (Fishman, Fig.2, Abstract, where Gateway performs negotiations in terms of transform A, transform B or transform C to get the device); and

configuring, by said system, said content for delivery to said second user device as a function of said attributes of said second user device (Fishman, Fig.2, gateway-250, Abstract, where transform A, B and C are configuring modules for the content to be delivered to device A, B or C respectively).

Fishman however is silent that configuration is done by media delivery system.

Kageyama however discloses, contents are configured by media delivery system according to device specific (Kageyama, Fig.1, element-14, [0063], where content management module configures the content by center device).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Fishman with the teachings of Kageyama in order to provide a system to have a system where device and user attributes can be negotiated at same time in order to know the specific history of user and associated device for enhanced data processing among known community of users.

6. As to claim 2 and 5, Fishman and Kageyama disclose the invention substantially as in parent claim 1 above, including, wherein first user device and said second user device are associated with a same user, and wherein said first user device and second user device provides said content to said user using different media modes (Fishman,

Fig. 2 element A, B, C, [0004], where disclosed is plurality of devices associated to one user e.g. laptop and a desktop and further [0005] disclosed is the content based on business and personal settings).

7. As to claim 3, carries similar limitations as claim 1 above, therefore is rejected under for same rationale.

8. As to claim 4, Fishman and Kageyama disclose the invention substantially as in parent claim 3 above, including, wherein said content comprises advertising content referred to said plurality of user devices by a user of said first user device (Fishman, [0009], where disclosed is a multimedia content which is equivalent to advertisement and multicasting to batch emailing is obvious in the technology to address the same message to more than one recipient).

9. As to claim 6, Fishman and Kageyama disclose the invention substantially as in parent claim 1 above, including, wherein said first user device comprises one of a wireless device and a wire line device (Fishman, [0004], where user is associated with a laptop and a desktop computers) and said second user device comprises the other one of said wireless device and said wire line device (Fishman, [0004], since it is established that laptop and desktop computers are used by the same user, therefore it would be obvious for other users to have the same setup).

10. As to claim 7, Fishman and Kageyama disclose the invention substantially as in parent claim 1, including, storing and forwarding, by said media delivery system, said

content for delivery to said second user device (Fishman, Fig.2, element-230, [0034], where content store stores the data to be delivered to devices A, B or C when request is processed).

11. As to claim 8, Fishman and Kageyama disclose the invention substantially as in parent claim 1, including, transcoding, by said media delivery system, said content for delivery to said second user device (Fishman, Fig.2, element-254, 256 and 258 is [0036], where element-254 is equivalent to trasncoding the information according to devices A, B or C).

12. As to claim 9, Fishman and Kageyama disclose the invention substantially as in parent claim 1, including, determining, by said media delivery system, how to relay said content to said second user device as a function of said attributes of said second user device (Fishman, Fig.2, [0039], where content server 210 may include rules for determining the type of content that should be sent to mobile gateway 250).

13. Claims 10, 32, 43-44 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (Pub. No.: US 2003/0097463 A1), hereinafter "Kageyama" in view of Fenton et al. (Pub. No.: US 2003/0193951 A1), hereinafter "Fenton".

14. Claims11-21, 24-29, 31, 33-42, 45-50 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama, and Fenton as applied to parent claims

1, 10 and 32 above in view of Kontio et al. (Pub. No.: US 2004/0249768 A1), hereinafter "Kontio".

15. Claims 22-23, 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama, Fenton and Kontio as applied to parent claim 24 above in view of Lewis (Pub. No.: US 2005/0256937 A1), hereinafter "Lewis".

16. Kageyama, Fenton, Lewis and Kontio have been cited as prior arts in the last office action. The teachings that applicable are respectfully maintained and incorporated by reference as set forth in the last office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H. /
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152